



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 22 2005

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Edward H. Murphy
Downstream General Manager
American Petroleum Institute
1220 L Street, N.W.
Washington, DC 20005-4070

Dear Mr. Murphy:

This letter is in response to the November 29, 2005 request from your staff, on behalf of the American Petroleum Institute member companies, that the United States Environmental Protection Agency (EPA) exercise enforcement discretion to allow use of an alternative test method, American Society for Testing and Materials (ASTM) standard method D 7039-04, entitled "Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-ray Fluorescence Spectrometry" to measure the sulfur content of gasoline, pending a rulemaking that would allow use of this test method.

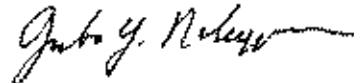
The motor vehicle fuels regulations, at 40 C.F.R. § 80.330(c) and 40 C.F.R. § 80.46(a), specify the test methods that refiners and importers must use to determine the sulfur content of gasoline. These regulations require that the sulfur content of gasoline must be determined using ASTM standard method D 2622-98, entitled "Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry."

EPA believes, based on currently available information, that use of ASTM D 7039-04 also is appropriate for determining the sulfur content of gasoline, provided that the test results are correlated to the designated test method, ASTM D 2622-98. Therefore, EPA is initiating a rulemaking that will propose to allow use of this alternative sulfur test method.

Pending the completion of this rule change, EPA will exercise its enforcement discretion to allow the use of ASTM D 7039-04 as an alternative sulfur in gasoline test method, provided that the test results are correlated to the designated sulfur test method, ASTM D 2622-98. This exercise of enforcement discretion is effective immediately and will continue until the date the rule change described above becomes effective, or until June 1, 2006, whichever is earlier.

If you have any questions regarding this matter, you may call Ery Pickell, Fuels Team Leader, at (303) 236-9506.

Sincerely,

A handwritten signature in black ink, appearing to read "Granta Y. Nakayama", with a long horizontal flourish extending to the right.

Granta Y. Nakayama